

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
Francis Lee Summers, III, individually and :
On behalf of all others similarly situated, :

Plaintiffs, :

v. :

MERRILL LYNCH & CO., INC.; STAN :
O'NEAL; LOU DIMARIA; INVESTMENT :
COMMITTEE OF THE MERRILL LYNCH :
SAVINGS AND INVESTMENT PLAN; :
ADMINISTRATIVE COMMITTEE OF THE :
MERRILL LYNCH SAVINGS AND :
INVESTMENT PLAN; and JOHN DOES 1 - 30, :

Defendants. :
-----X

No. 07-Civ-11615 (UA)

[additional captions follow]

**PLAINTIFF FRANCIS LEE SUMMERS III'S MOTION
TO CONSOLIDATE AND FOR APPOINTMENT
OF INTERIM CO-LEAD COUNSEL FOR THE CLASS**

**ABBEY SPANIER RODD
& ABRAMS, LLP**

Jill S. Abrams
212 East 39th Street
New York, NY 10016
Telephone: (212) 889-3700
Facsimile: (212) 624-5191

**SPECTOR ROSEMAN
& KODROFF, P.C.**

Robert M. Roseman
Theodore M. Lieverman.
Andrew D. Abramowitz
David Felderman
1818 Market St., Ste. 2500
Philadelphia, Pa. 19103
Telephone: (215) 496-0300
Facsimile: (215) 496-6611

**STEMBER FEINSTEIN
DOYLE & PAYNE, LLC**

William T. Payne
Ellen M. Doyle
1007 Mt. Royal Blvd
Pittsburgh, PA 15223
Telephone: (412) 338-1445
Facsimile: (412) 492-8978

*Counsel for Plaintiff Francis Lee Summers, III
and Proposed Interim Co-Lead Counsel for the Class*

-----X
 ELIZABETH ESTEY, individually and on :
 behalf of all others similarly situated, :

Plaintiffs, :

v. :

MERRILL LYNCH & CO., INC., :
 E. STANLEY O'NEAL, CAROL T. :
 CHRIST, ARMANDO M. CODINA, :
 VIRGIS W. COLBERT, JILL K. :
 CONWAY, ALBERTO CRIBIORE, :
 JOHN D. FINNEGAN, JUDITH :
 MAYHEW JONAS, DAVID K. :
 NEWBIGGING, AULANA L. PETERS, :
 JOSEPH W. PRUEHER, ANN N. REESE, :
 CHARLES O. ROSSOTTI, LOUIS :
 DIMARIA, PETER STINGI and JOHN :
 AND JANE DOES 1-20, :

Defendants. :

Case No. 07-Civ-10268 (LBS)

-----X
 -----X
 MARY GIDARO, individually and on :
 behalf of all others similarly situated, :

Plaintiffs, :

v. :

MERRILL LYNCH & CO., INC., :
 E. STANLEY O'NEAL, CAROL T. :
 CHRIST, ARMANDO M. CODINA, :
 VIRGIS W. COLBERT, JILL K. :
 CONWAY, ALBERTO CRIBIORE, :
 JOHN D. FINNEGAN, JUDITH :
 MAYHEW JONAS, DAVID K. :
 NEWBIGGING, AULANA L. PETERS, :
 JOSEPH W. PRUEHER, ANN N. REESE, :
 CHARLES O. ROSSOTTI, LOUIS :
 DIMARIA, PETER STINGI and JOHN :
 AND JANE DOES 1-20, :

Defendants. :

Case No. 07-Civ-10273 (LBS)

-----X

-----X
TARA MOORE, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

MERRILL LYNCH & CO., INC.,
E. STANLEY O'NEAL, CAROL T
CHRIST, ARMANDO M. CODINA,
VIRGIS W. COLBERT, JILL K.
CONWAY, ALBERTO CRIBIORE,
JOHN D. FINNEGAN, JUDITH
MAYHEW JONAS, DAVID K.
NEWBIGGING, AULANA L. PETERS,
JOSEPH W. PRUEHER, ANN N. REESE,
CHARLES O. ROSSOTTI, LOUIS
DIMARIA, PETER STINGI and JOHN
AND JANE DOES 1-20,

Defendants.

Case No. 07-Civ-10398 (DC)

-----X
-----X
GREGORY YASHGUR, individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

MERRILL LYNCH & CO., INC.,
E. STANLEY O'NEAL, CAROL T.
CHRIST, ARMANDO M. CODINA,
VIRGIS W. COLBERT, JILL K.
CONWAY, ALBERTO CRIBIORE,
JOHN D. FINNEGAN, JUDITH
MAYHEW JONAS, DAVID K.
NEWBIGGING, AULANA L. PETERS,
JOSEPH W. PRUEHER, ANN N. REESE,
CHARLES O. ROSSOTTI, LOUIS
DIMARIA, PETER STINGI and JOHN
AND JANE DOES 1-20,

Defendants.

Case No. 07-Civ-10569 (JSR)

-----X

-----X
CHRISTINE DONLON, individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

MERRILL LYNCH & CO., INC.,
E. STANLEY O'NEAL, CAROL T.
CHRIST, ARMANDO M. CODINA,
VIRGIS W. COLBERT, JILL K.
CONWAY, ALBERTO CRIBIORE,
JOHN D. FINNEGAN, JUDITH
MAYHEW JONAS, DAVID K.
NEWBIGGING, AULANA L. PETERS,
JOSEPH W. PRUEHER, ANN N. REESE,
CHARLES O. ROSSOTTI, LOUIS
DIMARIA, PETER STINGI and JOHN
AND JANE DOES 1-20,

Defendants.
-----X

Case No. 07-Civ-10661(CM)

-----X
CARL ESPOSITO, individually and
On behalf of all others similarly situated,

Plaintiffs,

v.

MERRILL LYNCH & CO., INC.,
E. STANLEY O'NEAL, CAROL T.
CHRIST, ARMANDO M. CODINA,
VIRGIS W. COLBERT, JILL K.
CONWAY, ALBERTO CRIBIORE,
JOHN D. FINNEGAN, JUDITH
MAYHEW JONAS, DAVID K.
NEWBIGGING, AULANA L. PETERS,
JOSEPH W. PRUEHER, ANN N. REESE,
CHARLES O. ROSSOTTI, LOUIS
DIMARIA, PETER STINGI and JOHN
AND JANE DOES 1-20,

Defendants.
-----X

Case No. 07-Civ-10687 (JGK)

-----X
SEAN SHAUGHNESSEY, individually and :
on behalf of all others similarly situated, :

Plaintiffs, :

v. :

MERRILL LYNCH & CO., INC., :
E. STANLEY O'NEAL, CAROL T. :
CHRIST, ARMANDO M. CODINA, :
VIRGIS W. COLBERT, JILL K. :
CONWAY, ALBERTO CRIBIORE, :
JOHN D. FINNEGAN, JUDITH :
MAYHEW JONAS, DAVID K. :
NEWBIGGING, AULANA L. PETERS, :
JOSEPH W. PRUEHER, ANN N. REESE, :
CHARLES O. ROSSOTTI, LOUIS :
DIMARIA, PETER STINGI and JOHN :
AND JANE DOES 1-20, :

Defendants. :

Case No. 07-Civ-10710 (GEL)

-----X
-----X
BARBARA BOLAND, individually and :
on behalf of all others similarly situated, :

Plaintiffs, :

v. :

MERRILL LYNCH & CO., INC., :
E. STANLEY O'NEAL, CAROL T. :
CHRIST, ARMANDO M. CODINA, :
VIRGIS W. COLBERT, JILL K. :
CONWAY, ALBERTO CRIBIORE, :
JOHN D. FINNEGAN, JUDITH :
MAYHEW JONAS, DAVID K. :
NEWBIGGING, AULANA L. PETERS, :
JOSEPH W. PRUEHER, ANN N. REESE, :
CHARLES O. ROSSOTTI, LOUIS :
DIMARIA, PETER STINGI and JOHN :
AND JANE DOES 1-20, :

Defendants. :

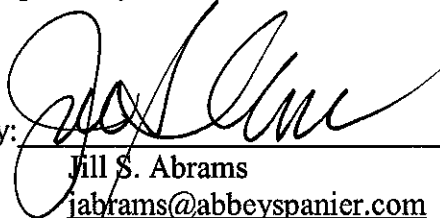
Case No. 07-Civ-11054 (MGC)

PLEASE TAKE NOTICE that in consideration of the Motion of Plaintiff, Francis Lee Summers, III, to Consolidate and For Appointment of Interim Co-Lead Counsel for the Class, the Memorandum of Law in support thereof, and the Affidavit of Jill S. Abrams, Plaintiff, Francis Lee Summers, III, will move this Court, on February 21, 2008 at 2:15pm or on a date and time to be set by the Court, before the Honorable Leonard B. Sand, at the United States Courthouse, 500 Pearl Street, New York, New York, in Courtroom 15-A, for an Order consolidating the above-captioned actions and appointing Spector, Roseman & Kodroff, P.C. and Stember Feinstein Doyle & Payne, LLC as Interim Co-Lead Counsel, and Abbey Spanier Rodd & Abrams, LLP as Interim Liaison Counsel.

This Motion is based on the accompanying Memorandum of Law, the Affidavit of Jill S. Abrams, and all papers and pleadings on file in this and the related cases filed with this Court.

DATED: January 11, 2008

Respectfully submitted,

By: 
Jill S. Abrams
jabrams@abbeyspanier.com

ABBEY SPANIER RODD
& ABRAMS, LLP
212 E. 39th Street
New York, NY 10016
Tel: (212) 889-3700
Fax: (212) 684-5191

Robert M. Roseman
roseman@srk-law.com
Theodore M. Lieverman
tlieverman@srk-law.com
Andrew D. Abramowitz
aabramowitz@srk-law.com
David Felderman
dfelderman@srk-law.com
**SPECTOR, ROSEMAN &
KODROFF, P.C.**
1818 Market Street
Suite 2500
Philadelphia, PA 19103
Tel: (215) 496-0300
Fax: (215) 496-6611

William T. Payne
wpayne@stemberfeinstein.co
**STEMBER, FEINSTEIN, DOYLE
& PAYNE, LLC**
Pittsburgh North Office
1007 Mt. Royal Boulevard
Pittsburgh, PA 15223
Tel: (412) 492-8797
Fax: (412) 492-8978

Ellen M. Doyle
edoyle@stemberfeinstein.com
**STEMBER FEINSTEIN DOYLE
& PAYNE, LLC**
1705 Allegheny Building
429 Forbes Avenue
Pittsburgh, PA 15219
Tel: (412) 338-1445
Fax: (412) 232-3730

*Attorneys for Plaintiff Francis Lee Summers,
III, and Proposed Interim Co-Lead
Counsel for the Class*